
A. REPORT TO THE HEARING EXAMINER

HEARING DATE: February 16, 2016

Project Name: Lake to Sound Regional Trail - Segment A

Owner: City of Renton; City of Tukwila; Burlington Northern Santa Fe; Union Pacific

Applicant/Contact: King County DNRP/Parks, Attn: Jason Rich, Capital Projects; King Street Center, 7th Floor; 201 S. Jackson St; Seattle WA 98104

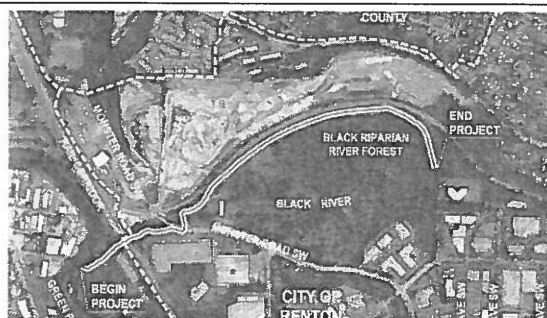
File Number: LUA15-000257, ECF, SSDP, S-CUP, S-V

Project Manager: Kris Sorensen, Associate Planner

Project Summary: The applicant is requesting SEPA Environmental Review, a Shoreline Conditional Use Permit, a Shoreline Variance, and a Shoreline Substantial Development Permit to improve an existing informal 1.2-mile trail within the cities of Tukwila and Renton with a 12-foot wide paved trail and new bridge over the Black River. The proposal is part of a 16-mile regional trail that links Lake Washington and Puget Sound. A Renton Shoreline Variance from RMC 4-3-090.D.2.d.ix.f is required for the trail areas located in wetland buffers because the proposal exceeds a 4-foot width, is paved, and located in the inner 50% of the buffer area. The trail is located on city owned and railroad owned parcels that are zoned Commercial Office (CO) and Resource Conservation (RC). The trail is located in the Black River-Springbrook Creek 'Natural' Shoreline Overlay and associated wetland buffers. 1,500 cubic yards of cut and 3,000 cubic yards of fill are proposed. Portions of the trail corridor are located in the 1995 FIRM Floodplain area with a net result of 135.5 cubic yards of soil removal within the flood area. Trees would be removed along the trail alignment and within shoreline buffer areas. 2.26 acres of mitigation planting areas are proposed. Other project elements include a new pedestrian crossing at Monster Road, undercrossings of railroad bridges, retaining walls, fences, signage, and stormwater improvements. Work would be limited to specific times of the year based on reducing impacts to nearby wildlife and overwater work for the new bridge. The project is anticipated to have no net loss of ecological function of the regulated shoreline areas as required by state, federal, and local regulations. Studies submitted include a Bridge Geotechnical Report, Vegetation and Wildlife Discipline Report, Critical Areas Report, Stream Discipline Report, Drainage Report, Endangered Species Act No Effect document, and NEPA Exemption by Washington State Department of Transportation. Construction work would begin in spring 2016 and last 12 months.

Project Location: Black River Riparian Forest in City of Renton to Fort Dent Park in City of Tukwila

Site Area: 3.94 acres paved (and 5.26 acres with shoulder) for 1.2 mile length



Project Location Map

HEX Report_Lake to Sound Trail Segment A_LUA15-000257

B. EXHIBITS:

- Exhibits 1-36: As shown in the SEPA Environmental Review Report, dated January 11, 2016
- Exhibit 37: Hearing Examiner Report
- Exhibit 38: City of Renton Trails and Bicycle Master Plan, adopted May 11, 2009
- Exhibit 39: City of Renton Comprehensive Plan, Shoreline Management Element and Appendix B Public Access Objectives by Reach
- Exhibit 40: Critical Areas Figure 3-1, prepared by Parametrix
- Exhibit 41: Determination of Non-Significance Mitigated
- Exhibit 42: Tree Retention Worksheet

C. GENERAL INFORMATION:

1. **Owner(s) of Record:** City of Renton; City of Tukwila; Burlington Northern Santa Fe; Union Pacific
2. **Zoning Classification:** Commercial Office (CO) and Resource Conservation (RC)
3. **Comprehensive Plan Land Use Designation:** Employment Area (EA)
4. **Existing Site Use:** Trail and recreation, gravel maintenance road, street right-of-way, and railroad right-of-way and river crossings.
5. **Critical Areas:** Shoreline Natural Overlay designation, Wetlands, Flood hazard, Steep Slopes
6. **Neighborhood Characteristics:**
- a. **North:** Burlington Northern Santa Fe Railroad right-of-way (Resource Conservation RC zone) and Concrete Recycling Use (Industrial Light IL zone)
 - b. **East:** Office Park (Commercial Office CO zone)
 - c. **South:** Industrial and manufacturing uses (Industrial Medium IM and Industrial Heavy IH zones)
 - d. **West:** Burlington Northern Santa Fe and Union Pacific Railroad right-of-way (Industrial Medium IM zone) and City of Tukwila Fort Dent Park / Starfire Sports Complex
6. **Project Data:** Trail length: 1.2 miles between Tukwila and Renton
Shoreline Enhancements: 98,297 square feet of restoration and planting areas
7. **Site Area:** 3.94 acres paved (and 5.26 acres with shoulder) for 1.2 mile length

D. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	5758	06/22/2015
Zoning	N/A	5758	06/22/2015
Annexation – S 180 th	N/A	1745	04/19/1959
Annexation – Monster Rd SW	N/A	4086	09/30/1987

E. PUBLIC SERVICES:**1. Existing Utilities**

- a. Water: Water is not a requirement of this project.
- b. Sewer: Sanitary sewer is not a requirement of this project.
- c. Surface/Storm Water: The existing drainage systems consist of the cross culverts along the trail/gravel road within the Black River Riparian Forest and Monster Rd SW conveyance systems.

2. Streets: The trail project corridor crosses Monster Rd SW currently on the Monster Road Bridge. The trail corridor eastern terminus is Naches Ave SW.**3. Fire Protection**: City of Renton Fire Department.**F. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:****1. Chapter 2 Land Use Districts**

- a. Section 4-2-020: Purpose and Intent of Zoning Districts
- b. Section 4-2-110: Residential Development Standards
- c. Section 4-2-120: Commercial Development Standards
- d. Section 4-2-130: Industrial Development Standards

2. Chapter 3 Environmental Regulations

- a. Section 4-3-050: Critical Area Regulations
- b. Section 4-3-090: Shoreline Master Program Regulations

3. Chapter 9 Permits - Specific

- a. Section 4-9-190: Shoreline Permits

4. Chapter 10 Legal Nonconforming Structures, Uses and Lots

- a. Section 4-10-095: Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites

5. Chapter 11 Definitions**G. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:**

1. Land Use Element
2. Shoreline Management Element

H. PROJECT DESCRIPTION/BACKGROUND

King County, together with the Cities of Renton and Tukwila, Washington State Department of Transportation (WSDOT), and the Federal Highway Administration (FHWA), is proposing to develop an approximate 1.2-mile segment of what will ultimately be the 16-mile Lake to Sound Trail. There is an existing trail where the subject improvements but it is not fully improved to accessibility standards or with a paved surface. The 1.2-mile segment is referred to as Segment A of the Lake to Sound Trail. Segment A extends from the Starfire Sports Complex in Fort Dent Park to Naches Avenue SW. Most of the trail is within the City of Renton, with the municipal limit roughly between the two sets of railroad tracks west of Monster Road. The proposed trail is typically 12 feet of asphalt pavement bounded by two 2-foot-wide shoulders and 1-foot-wide clear zones, in accordance with American Association of State Highway and Transportation Officials' (AASHTO) guidelines. The trail section is 14,317 feet long and 12 feet wide for a total paved footprint area of 3.94 acres. With the addition of two-foot shoulders on either side, the trail footprint is 5.26 acres. Between Fort Dent Park and Monster Road, the trail alignment lies south of the Black River. The westernmost 600 feet of the proposed trail

alignment is on maintained lawns associated with Fort Dent Park. It follows a dirt footpath that joins an existing dirt road beneath the railroad bridges for 650 feet. The 150 feet west of Monster Road is on existing paved surfaces. The proposed trail alignment crosses over the Black River using a new pedestrian bridge. The eastern three-quarters of the proposed trail alignment from Naches Avenue SW to Monster Road follows an existing gravel maintenance road south of the BNSF east-west railroad tracks and north of the Black River, along the northern perimeter of the Black River Riparian Forest, and within wetland buffer areas. The east trail terminus is located at a cul-de-sac on Naches Avenue SW near an office park. The project is estimated at about \$3,000,000 and would take approximately 12 months to complete. The project is subject to federal funding through Washington State Department of Transportation and the Federal Highway Administration and therefore requires federal regulatory review in addition to local jurisdictional review by the Cities of Tukwila and Renton.

The applicant's submittal is based on the full 1.2-mile segment located in both Renton and Tukwila. The applicant is requesting land use approvals from City of Renton and City of Tukwila for development within the shoreline. This Hearing Examiner Report is only for the City of Renton project area, for a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Shoreline Variance. SEPA was conducted by City of Renton for both jurisdictions. A Shoreline Substantial Development Permit is required for any development within the regulated Shoreline Master Program jurisdiction per RMC 4-9-190B.3. A Hearing Examiner Conditional Use Permit is required per RMC 4-9-190B.4 for the proposed Overland Public Hiking and Bicycle Trails Use and Expansion of Existing Over-Water Trails Use located within the Shoreline Natural Overlay designation per the Shoreline Use Table of RMC 4-3-090E.1. A Shoreline Variance is required per RMC 4-9-190 for an activity or development that does not comply with the bulk, dimensional, and/or performance standards of the program. There is an existing 10 to 12-foot wide trail/gravel road that is the same alignment that will be used for the proposed trail improvement.

The applicant requests a Variance from the development standards for trails within wetlands and wetland buffers. Specifically, the request is to allow a greater width for a trail, an impervious asphalt surface, and for the trail to be allowed within the inner 50 percent of a wetland buffer. Per RMC 4-3-050D.2.d.ix.f, Recreational Activities which do not significantly affect the function of the wetland or regulated buffer may be permitted within Category II, III, or IV wetlands or their buffers and within a Category I wetland buffer if the following criteria are met: (1) Trails shall not exceed 4 feet in width and shall be surfaced with gravel or pervious material, including boardwalks; (2) The trail or facility is located in the outer 50 percent of the buffer area unless a location closer to the wetland edge or within the wetland is required for interpretive purposes; (3) The trail or facility is constructed and maintained in a manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill; (4) Wetland mitigation in accordance with subsection D2dx of this Section. The applicant is requesting a Variance from criteria numbers 1 and 2 of RMC 4-3-050D.2.d.ix.f so that the proposed trail improvement can be greater than 4 feet in width, surfaced with asphalt, and within the inner 50 percent of wetland buffers within the Category II, III, and IV wetlands associated with the project.

Segment A, as well as the longer Lake to Sound Trail, is part of a Regional Trail System that provides non-motorized, alternative transportation and a recreational corridor for multiple trail users, including bicyclists, pedestrians, skaters, and others. A goal of the Lake to Sound Trail is to provide non-motorized transportation facilities to economically disadvantaged communities in southwest King County that have been historically underserved by such facilities. Once complete, Segment A would become part of a larger planned system that would serve employment and residential centers in South King County and connect to regional trails in Seattle and the greater Regional Trail System network. Segment A would provide a much-needed trail connection between the regional growth centers of Renton and Tukwila and safe passage under the heavy rail lines. In addition to the Green River Trail, Segment A would connect to the Interurban Trail to the south, and in the future to the Cedar River Trail.

I. FINDINGS OF FACT (FOF):

1. The Planning Division of the City of Renton accepted the above master application for review on April 17, 2015 and determined the application complete on May 7, 2015. The project review was put on hold June 18, 2015 and taken off hold and in review on December 21, 2015. The project complies with the 120-day review period.
2. The project site is a 1.2 mile trail corridor and located in both cities of Tukwila and Renton. The corridor is located between Fort Dent and the Starfire Sports Complex in Tukwila at the west and Naches Ave SW in Renton at the east with the majority of the corridor parallel an east-west railroad right-of-way in the northern portion of the City of Renton Black River Riparian Forest area (Exhibit 13).
3. The project site is currently developed with an informal trail, with the majority of the trail corridor an existing 10 to 12-foot wide gravel maintenance road east of Monster Road used as a trail in the Black River Riparian Forest area, a crossing of the Black River via the Monster Road Bridge, through north-south railroad right-of-ways, and connection to the Green River Trail at the developed Fort Dent Park in Tukwila.
4. Access to the trail corridor would be provided via Fort Dent and the Starfire Sports Complex in Tukwila at the west terminus, Naches Ave SW in Renton at the east terminus, and from Monster Rd SW.
5. The property is located within the Employment Area (EA) Comprehensive Plan land use designation.
6. The site is located within the Commercial Office (CO) and Resource Conservation (RC) zoning classifications.
7. The proposed trail improvement, width, impervious surface, and location were adopted in the Renton Trails and Bicycle Master Plan adopted in 2009 (Exhibit 38).
8. There are approximately 16,000 significant trees across the approximate 80 acre area of which the applicant is proposing to remove 151 and retain a total of 7,849 trees which equates to 98 percent tree retention rate(Exhibit 42).
9. The site is mapped with Shoreline Master Program 'Natural' Overlay for the Black River/Springbrook shoreline, seven associated wetlands, and within the 100-year floodplain.
10. Within Renton's mapped floodplain, approximately 100.89 cubic yards of fill and 236.39 cubic yards of excavation are proposed and the full length of the project has a net result of 135.5 cubic yards of soil removal (Exhibit 5, page 6-1 and Appendix F, and Exhibit 32).
11. The applicant is proposing to begin construction in Spring 2016 and end 12 months following the start.
12. Staff received one agency comment letter, from the Muckleshoot Tribes Watersheds and Land Use Team (Exhibits 11 and 29). The Environmental Review Committee SEPA report provided explanation of the concerns provided by the Muckleshoot Tribes and responses. The Muckleshoot concerns regarded two restoration plans along the Black River and Green River areas and what the proposal's impacts would be to those restoration sites. The Muckleshoot also requested additional background regarding the no net loss analysis.
13. No other public or agency comments were received.
14. Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended), on January 11, 2016 the Environmental Review Committee issued a Determination of Non-Significance - Mitigated (DNS-M) for the Lake to Sound Regional Trail – Segment A (Exhibit 41). The DNS-M included five mitigation measures. A 14-day appeal period commenced on January 15, 2016 and ended on January 29, 2016. No appeals of the threshold determination have been filed.

15. Based on an analysis of probable impacts from the proposal, the Environmental Review Committee (ERC) issued the following mitigation measures with the Determination of Non-Significance – Mitigated:
1. The applicant shall provide any updated geotechnical report for the Black River Bridge which shall be submitted as part of required building permit application.
 2. The applicant shall be required to comply with the recommendations included in the Draft Geotechnical Report-Black River Bridge, prepared by HWA GeoSciences Inc, dated February 24, 2015, Exhibit 9, or any updated geotechnical report created for the project.
 3. The applicant shall follow the bridge construction impacts avoidance measures as listed in Appendix C of the September 2015 No-Effects Determination for the Lake to Sound Trail – Segment A, Exhibit 27.
 4. The applicant shall follow the planting plan or an updated planting plan and monitoring and of the Final Critical Areas Study Appendix E, prepared by Parametrix, dated April 2015, Exhibit 6.
 5. If any Native American grave(s) or archaeological/cultural resources (Native American artifacts) are found all construction activity shall stop and the owner/developer shall immediately notify the City of Renton planning department, concerned Tribes' cultural committees, and the Washington State Department of Archeology and Historic Preservation.
16. Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development (Exhibits 16 and 36). These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.
17. **Comprehensive Plan Compliance:** The site is designated Shoreline Natural Overlay area on the City's Shoreline Environment Overlay Map. The objective in designating a natural environment is to protect and preserve unique and fragile shoreline or wetland environments that are ecologically intact as close to their natural state as possible. The Natural Overlay area allows a variety of resource, recreation, and enhancement development types. The proposal is compliant with the following shoreline policies if all conditions of approval are met:

Compliance	Renton Comprehensive Plan Analysis
✓	Objective SH-F. Increase public accessibility to shorelines and preserve and improve the natural amenities.
✓	Policy SH-20. Public access should be provided consistent with the existing character of the shoreline and consideration of opportunities and constraints for physical and visual access, as well as consideration of ecological functions, as provided in Policy SH-31 Table of Public Access Objectives by Reach, and in conjunction with the following policies.
✓	Policy SH-21. Public access to and along the water's edge should be available throughout publicly owned shoreline areas although direct physical access to the water's edge may be restricted to protect shoreline ecological values. Public access shall be provided over all public aquatic lands leased for private activity, consistent with compatibility with water-dependent uses.
✓	Policy SH-22. Public access from public streets shall be made available over public property and may be acquired by easement or other means over intervening private property.
✓	Policy SH-24. Public access to and along the water's edge should be located, designed, and maintained in a manner that protects the natural environment and shoreline

	ecological functions and is consistent with public safety as well as compatible with water-dependent uses. Preservation or improvement of the natural processes shall be a basic consideration in the design of shoreline areas to which public access is provided, including trail systems.
✓	Policy SH-28. In planning for public access, emphasis should be placed on foot and bicycle paths consistent with the Renton Bicycle and Trails Master Plan, rather than roads, except in areas where public boat launching would be desirable.
✓	Objective SH-H: Minimize the impacts of motor vehicle traffic and encourage non-motorized traffic within the shorelines as part of achieving no net loss.
✓	Policy SH-41: Pedestrian and bicycle pathways, including provisions for maintenance, operation and security, should be developed.
✓	<p>Policy SH-43: Trails should be developed to enhance public enjoyment of and access to the shoreline:</p> <ol style="list-style-type: none"> 1) Trails within the shoreline should be developed as an element of non-motorized circulation, of the City's Parks, Recreation and Open Space and Trails and Bicycle Master Plan and of the Shoreline Public Access program. Trails provide the potential for low impact public physical and visual access to the shoreline. 2) Trails should be developed as an element of a system that links together shoreline public access into an interconnected network. 3) Public access to and along the water's edge should be linked with upland community facilities and the comprehensive trails system that provides non-motorized access throughout the City. 4) A system of trails on separate rights of way and public streets should be designed and implemented to provide linkages along shorelines including the Lake Washington Loop, the Cedar River, the Black River/Springbrook Creek, and the Green River.

- 18. Shoreline Master Program General Development Standards Compliance:** The site where the trail corridor would be located is classified as Shoreline Natural Environment Overlay District on the City of Renton Shoreline Overlay Map. Per RMC 4-3-090D, General Development Standards, the following standards are applicable to all use and development activities within the shoreline and shall be used in the evaluation of shoreline permits including Shoreline Substantial Development Permits. Renton Municipal Code provisions in RMC 4-4 "City-wide Property Development Standards" contain regulations and standards governing site development of property City-wide, such as parking, landscaping, fencing, and others and such City-wide provisions shall apply within shoreline jurisdictions unless there is a conflict with the standards set forth by the Shoreline Master Program. In case of conflict, the standards set forth in the Shoreline Master Program shall prevail. The proposal is compliant with the following development standards if all conditions of approval are met:

Compliance	Development Standards and Analysis
2. Environmental Effects	
✓	<p>a. No Net Loss of Ecological Functions:</p> <p>i. No Net Loss Required: Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts to ensure no net loss of ecological functions and processes in all development and use. Permitted uses are designed and</p>

conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

ii. Impact Evaluation Required: In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts shall be considered and mitigated on- or off-site.

iii. Evaluation of Mitigation Sequencing Required: An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

- (a) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
- (b) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
- (c) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and taking appropriate corrective measures.

Staff Comment: *The ecological functions and natural character of the shoreline and associated wetland has been evaluated in the Environmental Review Committee Report, dated January 11, 2016 (Exhibit 1). The Environmental Review Committee Report and applicant's submitted biological studies find that there would be no net loss of ecological function and values of the Black River/Springbrook shoreline and associated wetlands through development of the trail corridor as proposed and that any ecological impacts would be mitigated for through mitigation measures such as the proposed restoration planting areas and construction best practices for the construction of the Black River bridge crossing.*

Potential ecological impacts of the proposal are analyzed in reports submitted with the application. These reports include the Critical Areas Study (Exhibit 6), Stream Report (Exhibit 7), Vegetation and Wildlife Report (Exhibit 8), Bridge Biological Assessment (Exhibit 14), and Floodplain Studies (Exhibits 6 and 5). The reports' analyses document that:

- *Impacts of the proposal are limited in magnitude because the route of the trail*

follows an existing gravel roadway east of Monster Road and an existing informal pedestrian path and roadway west of Monster Road. The impacts on vegetation and related elements of the natural environment are limited because the existing trail corridor has previously disturbed natural vegetation communities within the area affected by elements of the proposed trail.

- *Additional impervious surface will not have an adverse impact on receiving waters or nearby wetlands due to stormwater management. The trail is a non-pollutant-generating surface.*
- *The trail has been located and designed to minimize impacts of additional human use of the trail corridor on affect wildlife in the vicinity. Construction activities likely to disturb nesting herons will not be allowed near the Black River heron colony during sensitive periods. Areas between the nesting colony and the trail will be planted with native trees and shrubs to provide additional visual screening for herons.*
- *Mitigation measures including wetland buffer restoration, plantings to further screen the heron colony, and fencing and a variety of construction mitigation in each report and summarized below will mitigate impacts to result in no-net loss of ecological functions.*

An evaluation of mitigation sequencing has been provided to demonstrate that all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions (Exhibit 4, pages 2-12 to 2-13). The following is the mitigation sequence analysis in order of “a” through “e.”

***a.** Alternative trail corridors were evaluated in the development of the subject proposal and are depicted in Exhibit 4, Figure 2-4. Four alternative trail alignments were considered with the proposed trail corridor alignment. Alternatives 1 and 2 are not feasible and prudent due to cost and safety considerations. Alternative 3 would not provide the same benefits or safety of the preferred two-way multi-use trail on a separate right-of-way. Alternative 4 would require the removal of numerous trees in close proximity to an existing Heron colony and more extensive grading.*

***b. and c.** The proposal would limit the degree and/or magnitude of the action and its implementation by using appropriate technology and engineering, and by taking affirmative steps to avoid or reduce adverse impacts by:*

- *Alignment. The proposed trail follows the perimeter of the Black River Riparian Forest, avoiding habitat fragmentation and disturbance within the central portion of the natural area.*
- *Use of existing disturbed areas. The proposed trail follows existing paths, maintenance roads and disturbed areas (see Section 1.3, Project Area and Setting) and uses an existing bridge crossing of the Black River to minimize disturbance of adjacent, existing forest, significant trees, wetlands and buffers, stream buffers, and the species that use these areas.*
- *Strategic widening. In the Black River Riparian Forest, trail widening would occur toward the perimeter, again to avoid the central portion of the natural area and the associated habitat.*
- *Minimizing earthwork. In Fort Dent Park, where the topography is more*

	<p>variable, the trail alignment was selected to follow existing topography to the extent possible and to balance cuts and fills, reducing the need for retaining walls or large cut or fill areas.</p> <ul style="list-style-type: none"> • <i>Planting of trees.</i> Where the trail runs adjacent to the Black River Riparian Forest, native trees and shrubs will be planted along the south side of the trail to provide additional visual screening of the trail from the central portion of the natural area to the south. As these plants grow taller and more dense, they will reduce the potential for trail use to disturb nesting herons. Plantings will be monitored to ensure establishment and long-term success. • <i>Fencing.</i> Fencing will be placed on the south side of the trail adjacent to the Black River Riparian Forest in areas that appear inviting, to discourage people from accessing the central portion of the natural area. Vegetation planted for visual screening will further discourage intrusions. Other wildlife viewing trails are provided on the south side of the forest. Wayfinding signage at Naches Avenue SW, Oakesdale Avenue SW, and Monster Road will describe the options. • <i>The following measures would be implemented before and during trail construction to avoid or minimize effects on vegetation and wildlife resources. These strategies would be implemented along with others designed to avoid or minimize effects on other resources, such as streams, wetlands, and soils. Those strategies would be expected to provide additional protection to vegetation and wildlife resources within and adjacent to streams and wetlands.</i> <ul style="list-style-type: none"> • <i>Limiting construction activity to a relatively small area immediately adjacent to the existing cleared area to minimize vegetation clearing and leave as much vegetation undisturbed as possible.</i> • <i>Preparing and implementing a revegetation plan that emphasizes the use of native species.</i> • <i>Where the proposed trail alignment runs adjacent to the Black River Riparian Forest, replacing all cleared trees over six inches diameter with new seedlings in accordance with the City of Renton's regulatory requirements.</i> • <i>To minimize harm to migratory birds, conducting vegetation clearing and construction activities outside the breeding season, which is typically considered to extend from March 15 through August 31.</i> • <i>Preventing disturbance of nesting great blue herons and their young due to trail construction and other noise-generating activities by implementing the following measure:</i> <ul style="list-style-type: none"> ▪ <i>Within 1,312 feet of the Black River heron nesting colony, conducting activities that are likely to disturb nesting herons outside of sensitive periods (i.e., restrictions would apply between January 15 and August 31).</i> ▪ <i>Restricting activities would include major earthwork and the use of heavy equipment and backup alarms. Construction activities that employ the use of hand tools would not be restricted.</i> • <i>If bald eagles construct a new nest within 660 feet of the trail alignment before construction begins, additional measures, such as timing restrictions on construction activities with the potential to</i>
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	<p><i>disturb nesting eagles, will be implemented.</i></p> <ul style="list-style-type: none"> <i>All areas temporarily affected by construction would be restored to pre-construction conditions and re-planted or seeded with native species.</i> <p><i>d. The mitigation measures would be monitored, particularly the survival of plants installed, and the effectiveness of wetland buffer mitigation and corrective action implemented to assure that the specifications of the mitigation plan are met.</i></p> <p><i>e. To compensate for ecological function adverse impacts, the following are measures the applicant proposes:</i></p> <ul style="list-style-type: none"> <i>Habitat improvement and restoration would be implemented to mitigate project-related effects on wetland buffers and stream buffers. The mitigation plan focuses on providing compensatory mitigation measures for riparian buffers and wetland buffers at equal or greater functions than would be affected by the project. Impacts to wetland buffers and stream buffers are generally replaced at a ratio of 1:1. The Black River Riparian Forest falls within the jurisdiction of the City of Renton's Shoreline Master Program, which specifies a replacement ratio of 1:1 for impacts to wetland buffers. The mitigation site would be planted at a ratio of at least 1:1 to offset project impacts. The proposed mitigation site is located near the proposed trail alignment but outside of the trail right-of-way, on land owned by the City of Renton in the Black River Riparian Forest natural area. Mitigation would consist of planting, or underplanting, in an area where existing buffer conditions are degraded. This type of mitigation would offset the project's impacts on buffer resources by maintaining or enhancing those functions that support water quality and habitat for fish and wildlife. Proposed enhancements would include removal of invasive vegetation, tilling of soil, addition of organic soil amendments (where needed) and mulch, and planting of native vegetation.</i> <i>Native trees and shrubs would be planted along approximately 250 feet of the trail to provide additional visual screening between the trail and the great blue heron nesting colony. These additional plantings would be located west of the nesting colony, where views toward the colony are not already obscured by existing vegetation. The plantings would consist of both evergreen and deciduous trees to block views, as well as densely growing shrubs to discourage pedestrians from venturing off the trail. Such plantings, combined with fence installation along the southern edge of the alignment of the trail adjacent to the Black River Riparian Forest, are expected to reduce the potential for disturbance.</i> <p><i>The above staff comments provide the required analysis and review of the applicant's submitted documents and identify that there is No Net Loss to the functions. Additionally, the applicant has provided an impact evaluation for the proposal and an evaluation of mitigation sequencing as required.</i></p>
✓	<p>b. Burden on Applicant: Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master</p>

	<p>Program and the Shoreline Management Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.</p> <p><u>Staff Comment:</u> The applicant submitted Permit Narrative and Justification as a summary to all the required standards of the City of Renton and Washington State Shoreline Master Programs. Additionally, the applicant submitted the required studies that identify anticipated impacts and proposed mitigation measures to mitigate for any potential impacts to the environment, shoreline areas, and regulated wildlife and habitat. For staff's evaluation of net loss of ecological function, see subsection "2a. Environmental Effects – No Net Loss of Ecological Function" in FOF 18 above.</p>
✓	<p>c. Critical Areas within Shoreline Jurisdiction: Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the provision adopted by reference and the Shoreline Master Program. Within shoreline jurisdiction, the regulations of RMC 4-3-050 shall be liberally construed together with the Shoreline Master Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions below and the Shoreline Master Program, the most restrictive provisions shall prevail.</p> <p><u>Staff Comment:</u> The site is located within the Shoreline Natural Overlay, the 100-year flood hazard area, and the pedestrian bridge would be located near sensitive and steep slopes along the banks of the Black River.</p> <p>The site is located primarily within the regulated Shoreline Master Program 200-foot shoreline jurisdiction of the Black River and within wetlands that are associated with the shoreline area. Of the seven wetlands that are along the proposal trail corridor, some of the wetland may be outside of the shoreline regulated area, although this is not known unless further biological assessment were conducted to determine if hydrology between all identified wetlands and the shoreline area were determined to be separate. Therefore, based on the Shoreline Master Program being the most restrictive provision, and based on the fact that no analysis has been conducted to determine if some of the identified wetlands are not associated with the Black River shoreline area, this report uses the Shoreline Master Program regulations of RMC 4-3-090 for the project evaluation rather than the Critical Areas Regulations of RMC 4-3-050.</p> <p>Portions of the 1.2-mile trail corridor are located in the 100-year flood hazard area (Exhibit 25). The proposal would not create a need for compensatory storage. The proposed bridge and abutments are designed to be above the 100-year floodplain elevation with the bottom of the bridge approximate 6 feet above the floodplain base flood elevation. In the areas where the trail is below floodplain elevation, approximately 217 cubic yards of fill will be placed and approximately 242 cubic yards of excavation is proposed across the full 1.2-mile trail length (Exhibit 5, page 6-1 and Appendix F, and Exhibit 32). Within Renton, approximately 100.89 cubic yards of fill and 236.39 cubic yards of excavation are proposed within the floodplain.</p> <p>An evaluation of the slopes where the pedestrian bridge is proposed was provided by the applicant through the submitted Geotechnical Report (Exhibit 9). The Geotechnical</p>

	<p><i>Report provides a review of the bridge span, the supporting foundations and construction methods.</i></p>
✓	<p>d. Wetlands within Shoreline Jurisdiction:</p> <p>i. Wetland Identification: Wetlands shall be identified in accordance with the requirements of RCW <u>36.70A.175</u> and <u>90.58.380</u>. Unless otherwise provided for in this Chapter, all areas within the City meeting the criteria in the Washington State Wetland Identification and Delineation Manual (Ecology Publication No. 96-94), regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter.</p> <p>ii. Wetland Rating System: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington, revised August 2004.</p> <p>iii. Wetland Review and Reporting Requirements: A wetland assessment study shall be required.</p> <p>iv. Wetland Buffers:</p> <p>(a) Buffer Required: Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a permanent road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided and that cannot be feasibly removed, relocated or restored to provide buffer functions.</p> <p>(b) Buffer May Be Increased: The buffer standards required by this Chapter presume the existence of a dense vegetation community in the buffer adequate to protect the wetland functions and values. When a buffer lacks adequate vegetation, the Administrator of the Department of Community and Economic Development or designee may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.</p> <p>(c) Minimum Buffer Width: Required buffers for the identified Category II, III, and IV wetlands are 50, 75, and 100-foot distances.</p> <p>v. to viii. Not Applicable</p> <p>ix. Allowed Activities in Wetlands and Buffers: The following uses and activities, as proposed through the subject application, may be allowed in wetlands or</p>

buffer areas by the Administrator of the Department of Community and Economic Development or designee subject to the priorities, protection, and mitigation requirements of this Section:

(b) Roadways, Railways, and Bridges: Public and private roadways and railroad facilities, including bridge construction and culvert installation, if the following criteria are met:

- (1) There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland;
- (2) Facilities parallel to the wetland edge are located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation;
- (3) Clearing, grading, and excavation activities are limited to the minimum necessary, which may include placement on elevated structures as an alternative to fill, where feasible;
- (4) Impacts on wetland functions are mitigated in accordance with subsection D2dx of this Section.

(d) Existing Facilities: Maintenance, repair, or operation of existing structures, facilities, or improved areas, including minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions, and subject to the provisions for nonconforming use and facilities in chapter 4-10 RMC.

(f) Recreational or Educational Activities: Outdoor recreational or educational activities which do not significantly affect the function of the wetland or regulated buffer (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted within Category II, III, or IV wetlands or their buffers and within a Category I wetland buffer if the following criteria are met:

- (1) Trails shall not exceed four feet (4') in width and shall be surfaced with gravel or pervious material, including boardwalks;
- (2) The trail or facility is located in the outer fifty percent (50%) of the buffer area unless a location closer to the wetland edge or within the wetland is required for interpretive purposes;
- (3) The trail or facility is constructed and maintained in a manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill;
- (4) Wetland mitigation in accordance with subsection D2dx of this Section

x. Wetland Mitigation Requirements: Activities that adversely affect wetlands and/or wetland buffers shall include mitigation sufficient to achieve no net loss of wetland function and values in accordance with subsection D7 of this Section and this subsection. Compensatory mitigation shall be provided for all wetland alteration and shall re-establish, create, rehabilitate, enhance, and/or preserve equivalent wetland functions and values.

(a) Preferred Mitigation Sequence: Mitigation sequencing shall take place in the prioritized order provided for in subsection D2aⁱⁱⁱ of this Section.

(b) Consistency with Policies and Publications Required: Wetland mitigation requirements shall be consistent with the applicable standards for studies and assessment in Chapter 6 of: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006; Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1); and Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA, except in cases when this Code provides differing standards.

(c) Wetland alterations: Compensation for wetland alterations shall occur in the following order of preference:

(1) Re-establishing wetlands on upland sites that were formerly wetlands.

(2) Rehabilitating wetlands for the purposes of repairing or restoring natural and/or historic functions.

(3) Creating wetlands on disturbed upland sites such as those consisting primarily of nonnative, invasive plant species.

(4) Enhancing significantly degraded wetlands.

(5) Preserving Category I or II wetlands that are under imminent threat; provided, that preservation shall only be allowed in combination with other forms of mitigation and when the Administrator of the Department of Community and Economic Development or designee determines that the overall mitigation package fully replaces the functions and values lost due to development.

(d) Mitigation Ratios for Wetland Impacts: Compensatory mitigation for wetland alterations shall be based on the wetland category and the type of mitigation activity proposed. The replacement ratio shall be determined according to the ratios provided in the table below. The created, re-established, rehabilitated, or enhanced wetland area shall at a minimum provide a level of function equivalent to the wetland being

	<p>altered and shall be located in an appropriate landscape setting.</p> <p>(e) Mitigation Ratio for Wetland Buffer Impacts: Compensation for wetland buffer impacts shall occur at a minimum 1:1 ratio. Compensatory mitigation for buffer impacts shall include enhancement of degraded buffers by planting native species, removing structures and impervious surfaces within buffers, and other measures.</p> <p>(f) Special Requirements for Mitigation Banks: Mitigation banks shall not be subject to the replacement ratios outlined in the replacement ratio table above, but shall be determined as part of the mitigation banking agreement and certification process.</p> <p>(g) Buffer Requirements for Replacement Wetlands: Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category in subsection D2dii of this Section; provided, that the Administrator of the Department of Community and Economic Development or designee shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.</p> <p>(h) Adjustment of Ratios: The Administrator of the Department of Community and Economic Development or designee shall have the authority to adjust these ratios when a combination of mitigation approaches is proposed. In such cases, the area of altered wetland shall be replaced at a 1:1 ratio through re-establishment or creation, and the remainder of the area needed to meet the ratio can be replaced by enhancement at a 2:1 ratio. For example, impacts to one acre of a Category II wetland requiring a 3:1 ratio for creation can be compensated by creating one acre and enhancing four (4) acres (instead of the additional two (2) acres of creation that would otherwise be required).</p> <p>(i) Location: Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success; provided, that mitigation occurs as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration.</p> <p>(j) Protection: All mitigation areas whether on- or off-site shall be permanently protected and managed to prevent degradation and ensure protection of critical area functions and values into perpetuity. Permanent protection shall be achieved through deed restriction or other protective covenant in accordance with RMC 4-3-050E4.</p> <p>(k) Timing: Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.</p>
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(l) Wetland Mitigation Plans Required: Wetland mitigation plans shall be prepared in accordance with RMC 4-3-050M16. All compensatory mitigation projects shall be monitored for a period necessary to establish that performance standards have been met, but generally not for a period less than five (5) years. Reports shall be submitted quarterly for the first year and annually for the next five (5) years following construction and subsequent reporting shall be required if applicable to document milestones, successes, problems, and contingency actions of the compensatory mitigation. The Administrator of the Department of Community and Economic Development or designee shall have the authority to modify or extend the monitoring period and require additional monitoring reports for up to ten (10) years when any of the following conditions apply:

(1) The project does not meet the performance standards identified in the mitigation plan;

(2) The project does not provide adequate replacement for the functions and values of the impacted critical area;

(3) The project involves establishment of forested plant communities, which require longer time for establishment.

xi. Development Standards Near Wetlands: Development standards for adjacent development shall minimize adverse effects on the wetland, and shall include:

(a) Subdivision of land shall assure that each lot has sufficient building area outside wetlands and buffers. Lots in subdivisions shall be oriented whenever feasible to provide a rear yard of at least twenty feet (20') between the buffer area and buildings;

(b) Fencing shall be provided at the perimeter of residential development to limit domestic animal entry into wetlands and buffer areas;

(c) Activities that generate noise shall be located as far from the wetland and buffer as feasible. Roads, driveways, parking lots and loading areas, mechanical or ventilating equipment shall be located on sides of buildings away from the wetland, or separated by noise attenuating walls;

(d) Light penetration into buffer areas and wetlands shall be limited by locating areas requiring exterior lighting away from the wetland boundary, or limiting light mounting heights to a maximum of four feet (4'). Windows that will be lit at night should be minimized on the side of buildings facing wetlands and buffers, or screened as provided below;

(e) Runoff should be routed to infiltration systems, to the maximum extent feasible, to provide groundwater interflow recharge to wetlands

and/or water bodies and to limit overland flow and erosion;

(f) Surface or piped stormwater should be routed to existing conveyances or to other areas, wherever hydraulic gradients allow. Where stormwater is routed to wetlands, system design shall assure that erosion and sedimentation will be avoided to the maximum extent feasible;

(g) To prevent channelized flow from lawns and other landscaped areas from entering the buffer, and to prevent washing of fertilizers, herbicides and pesticides into the buffer, if slopes adjacent to the buffer exceed fifteen percent (15%), a ten feet (10') wide swale to intercept runoff or other effective interception facility approved by the Administrator of the Department of Community and Economic Development or designee shall be provided at the edge of the buffer;

(h) Adopt and implement an integrated pest management system including limiting use of fertilizers, herbicides and pesticides within twenty five feet (25') of the buffer.

xii. Vegetation Management Plan Required: In order to maintain effective buffer conditions and functions, a vegetation management plan shall be required for all buffer areas, to include:

(a) Maintaining adequate cover of native vegetation including trees and understory; if existing tree cover is less than a density of twenty (20) trees per acre, planting shall be required consisting of seedlings at a density of three hundred (300) stems per acre or the equivalent;

(b) Providing a dense screen of native evergreen trees at the perimeter of the buffer if existing vegetation is not sufficient to prevent viewing adjacent development from within the buffer. Planting shall be required equivalent to two (2) rows of three feet (3') high stock of native evergreens at a triangular spacing of fifteen feet (15'), or three (3) rows of gallon containers at a triangular spacing of eight feet (8'). Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen;

(c) Providing a plan for control of invasive weeds, and removal of existing invasive species;

(d) Providing for a monitoring and maintenance plan for a period of at least five (5) years, except this provision may be waived for single family residential lots at the discretion of the Administrator of the Department of Community and Economic Development or designee.

Staff Comment: The submitted Critical Areas Report identified seven wetlands along the trail corridor, all within the Black River Riparian Forest area (Exhibit 6, page 3-2 to 3-6). Five of the wetlands were delineated in their entirety and two larger wetland complexes were delineated near the trail alignment that extend further south into the Riparian

Forest area and further away from the proposed trail improvement. Two Category II, three Category III, and two Category IV wetlands were identified. Required buffers for the identified Category II, III, and IV wetlands are 100, 75, and 50 feet respectively. The existing developed gravel road is located along the wetland areas. Buffers are identified as less than the required buffer along some of the corridor where the existing gravel road is located because "buffers shall not include areas that are functionally and effectively disconnected from the wetland by a permanent road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided and that cannot be feasibly removed, relocated or restored to provide buffer functions" per RMC 4-3-090D.2.d.iv.a.

The proposed non-motorized/pedestrian bridge is an allowed activity in a wetland and associated buffer as there is no other reasonable location, is located within the Wetland 5 buffer area and not the wetland, clearing and excavation activities would be limited to the minimum necessary, and any impacts would be mitigation for.

Recreational activities, including the proposed trail, is an allowed use within the Category II, III, and IV wetland buffers. Such trails are limited in their width and surface material and location. The applicant has requested a Variance to exceed the development standards for trails within the wetland buffers. See FOF 20 and 21 for staff's analysis of the Variance request, the applicant's justification, and staff's recommended approval of the requests.

The applicant proposes mitigation for the impacts to the shoreline area and associated wetland buffers. There would be no impacts to the wetlands (Exhibit 4). There would be wetland buffer impacts and buffer impacts are anticipated to be approximately 21,321 square feet of permanent impacts and 5,302 square feet of temporary construction impacts. The proposal would provide 98,297 square feet of restoration area for screening of the Heron colony, mitigation planting sites, and shoreline buffer vegetation conservation plantings (Exhibit 31).

Proposed conceptual mitigation is detailed in the Critical Areas Report (Exhibit 6) and includes enhancement of approximately 0.68 acre of wetland buffer and 0.19 acre of stream buffer at Mitigation Site 1 to mitigate the area of buffer displaced by the trail and enhancement of approximately 0.19 acre of stream buffer at Mitigation Site 2 for ground improvements at bridge abutments. At Mitigation Site 1, the proposed enhancement would include removal of invasive vegetation, tilling of soil, addition of compost (where needed) and mulch, and planting of native vegetation. At Mitigation Site 2, the proposed enhancement would include removal of invasive vegetation, rock and concrete pieces would be removed, soil and mulch installed, and native vegetation planted. Mitigation would consist of planting, or underplanting, in an area where existing riparian conditions are degraded. This type of mitigation would offset the project's impacts on stream resources by maintaining or enhancing those riparian functions that support water quality and fish habitat. The riparian functions that would benefit from mitigation include LWD recruitment, stream temperature regulation, bank stability, leaf litter recruitment, and water quality functions. The goal of the mitigation effort is to augment the Black River corridor by establishing native vegetation and enhancing buffer functions of the stream and Wetland 7 in areas dominated by invasive species. These efforts would meld with previous and future enhancement activities performed by others. Other areas of wetland buffer would be enhanced in accordance with RMC 4-03-090.D.2.d.xii. to

	<i>maintain effective buffer conditions and functions where existing tree cover is less than a density of twenty (20) trees per acre, and where existing vegetation is not sufficient to prevent viewing the trail from within the buffer.</i>
3. Use Compatibility and Aesthetic Effects - View Obstruction and Visual Quality:	
✓	<p>Maximum Building Height: Buildings shall be limited to a height of no more than 35 feet above average finished grade level except at specific locations.</p> <p><u>Staff Comment:</u> No new buildings are proposed. The project is an at grade trail with a bridge that would extend less than 35 feet above the finished grade level where it would cross the Black River. The bridge height is approximately 7 ½ feet in height (Exhibit 30).</p>
✓	<p>Community Disturbances: Noise, odors, night lighting, water and land traffic, and other structures and activities shall be considered in the design plans and their impacts avoided or mitigated.</p> <p><u>Staff Comment:</u> Community disturbances have been considered in the design of the subject proposal. No permanent lighting is proposed. There is no water traffic within the Black River where the bridge would be placed. Land traffic may be impacted where trail improvements occur near Monster Rd SW and a traffic control plan is required with right-of-way use permits that will be submitted for. Noise is only anticipated during the construction of the trail corridor and analysis of the noise has been submitted by the applicant and is identified and evaluated within the Vegetation and Wildlife Discipline report (Exhibit 8) and Bridge Biological Assessment (Exhibit 14).</p>
Compliant if Variance in FOF 21 and 22 is approved	<p>Other Design Standards: Any other design standards included in community plans or regulations adopted by the City shall be incorporated.</p> <p><u>Staff Comment:</u> The project must meet Federal and Washington State Department of Transportation requirements for non-motorized multi-use trails. The subject project is identified in the City of Renton Trails and Bicycle Master Plan, adoption date May 11, 2009. The proposed trail footprint and widths are consistent with the Federal and State transportation departments and the City of Renton Trails and Bicycle Master Plan (Exhibit x) if the trail width and surface variance is approved in the wetland buffers. If the variance is not approved the trail would not comply with the Federal and Washington State Department of Transportation requirements for non-motorized multi-use trails or the City of Renton Trails and Bicycle Master Plan.</p>
4. Public Access	
✓	<p>a. Physical or Visual Access Required for New Development: Physical or visual access to shorelines shall be incorporated in all new development when the development would either generate a demand for one or more forms of such access, would impair existing legal access opportunities or rights, or is required to meet the specific policies and regulations of the Shoreline Master Program. A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Policy SH-31 Table of Public Access Objectives by Reach Element, Policy SH-31 with provisions for public access, including off-site facilities designated in the table Public Access Requirements by Reach in subsection D4f of this Section.</p> <p><u>Staff Comment:</u> City of Renton Shoreline Policy SH-31 "Public Access Objectives by Reach" in Comprehensive Plan Appendix B, identifies for the Black River/Springbrook A</p>

	<p><i>Reach that public agency actions to improve public access should include acquisition of trail rights to connect the trail system to the Green River Trail and Fort Dent Park, that expansion of public access should occur only if consistent with ecological functions, and that the existing trail system should be retained and possibly enhanced. The proposal to improve the existing trail corridor would implement the public access objectives for the reach and connect to the Green River Trail and larger regional trails system as identified in the City Shoreline Master Program.</i></p>
✓	<p>b. Public Access Required: Public access shall be provided. Non-water-dependent development and uses, as are proposed in the subject application, shall provide community and/or public access consistent with the specific use standards in subsection RMC 4-3-090E, Use Regulations, unless ecological restoration is provided.</p> <p><u>Staff Comment:</u> <i>Public access will not be directly provided to the ordinary high water mark or water edge, but public access within the Shoreline Overlay in specific areas such as the bridge crossing over the Black River and as the trail corridor runs parallel the Black and Green Rivers west of Monster Rd SW.</i></p>
5. Design Criteria for Public Access Sites	
✓	<p>i. Walkways or Trails Required in Vegetated Open Space: Public access on sites where vegetated open space is provided along the shoreline shall consist of a public pedestrian walkway parallel to the OHWM of the property. The walkway shall be buffered from sensitive ecological features, may be set back from the water's edge, and may provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing may be provided to control damage to plants and other sensitive ecological features and where appropriate. Trails shall be constructed of permeable materials and limited to four feet (4') to six feet (6') in width to reduce impacts to ecologically sensitive resources.</p> <p><u>Staff Comment:</u> <i>Vegetated open space is located along the shoreline except for the Black River bridge crossing. The proposed trail alignment would use the existing trail/gravel road alignment that parallels portions of the Black River shoreline and vegetated open space. The proposed trail improvements would be buffered from sensitive ecological features such as the Heron colony and wetlands, if all mitigation is implemented. Tree and vegetation clearing along the trail alignment would occur within 10 and 20 feet of the trail (Exhibit 12) and new native plantings would be installed in those cleared areas. Fencing is proposed between the trail and sensitive features and the shoreline to control potential damage to plants and other sensitive ecological features where appropriate. For example, fencing locations to protect entry towards the Heron colony would be provided.</i></p>
✓	<p>iv. Resolution of Different Standards: Where City trail or transportation plans and development standards specify dimensions that differ from those in subsections RMC 4-3-090D4di, D4dii, or D4diii, the standard that best serves public access, while recognizing constraints of protection and enhancement of ecological functions, shall prevail.</p> <p><u>Staff Comment:</u> <i>The proposal is based on the City of Renton Trails and Bicycle Master Plan document with a 12-foot paved trail and 2-foot gravel shoulders on either side and is designed to meet Federal and State standards for multi-use nonmotorized trail systems (Exhibit 38, pages 152-154). These standards differ from the standards listed in this</i></p>

	<p>section. The proposal would have a trail greater than 4 to 6 feet in width and have an impervious surface. The applicant is requesting a Variance to approve the wider trail footprint and impervious asphalt surface. See FOFs 20 and 21 for staff's evaluation of the Variance request and recommendation that the Variance request be granted. Based on the Shoreline Policies identified above in FOF 17, the adopted City of Renton Trails and Bicycle Master Plan, the Federal and State standards for multi-use non-motorized trails systems, and the proposed mitigations staff believes the proposed project best serves public access and provides protection and enhancement of the ecological functions and therefore the Federal and State standard of 12-foot paved trail with a 2-foot gravel shoulder should prevail.</p>
6. Public Access Development Standards: Public access facilities shall incorporate the following design and other features:	
✓	<p>i. Relation to Other Facilities:</p> <p>(a) Preferred Location: Public access shall be located adjacent to other public areas, accesses, and connecting trails, connected to the nearest public street, and include provisions for handicapped and physically impaired persons, where feasible.</p> <p>(b) Parking Requirements: N/A</p> <p>(c) Planned Trails to Be Provided: Where public trails are indicated on the City's transportation, park, or other plans, construction of trails shall be provided within shoreline and non-shoreline areas of a site.</p> <p><u>Staff Comment:</u> The proposal is a trail corridor within the shoreline area. The proposed trail improvement would not provide direct physical access to the shoreline. The proposal would connect to nearby streets, be accessible for handicapped and physically impaired persons, and provide connections to nearby trail systems including the Green River and Interurban trails. No parking is allowed within the Shoreline Natural Overlay area. The proposal would implement the City of Renton's multi-use trail plan for this trail corridor.</p>
✓	<p>ii. Design:</p> <p>(a) General: Design of public access shall provide the general public with opportunity to reach, touch, and enjoy the water's edge and to view the water and the shoreline from adjacent locations and shall be as close horizontally and vertically to the shoreline's edge as feasible; provided, that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.</p> <p>(b) Privacy: Design shall minimize intrusions on privacy of adjacent use by avoiding locations adjacent to residential windows and/or outdoor private residential open spaces or by screening or other separation techniques.</p> <p><u>Staff Comment:</u> There are no residential areas located near the proposed trail corridor. Privacy impacts are limited if any. Noise is only anticipated for the construction of the trail corridor. See comments above related to the trail proximity to the shoreline, where no physical connection would be provided although viewable areas would be provided along the trail alignment.</p>

✓	<p>iii. Use and Maintenance:</p> <p>(a) Public Access Required for Occupancy: Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.</p> <p>(b) Maintenance of Public Access Required: Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.</p> <p>(c) Public Access Must Be Legally Recorded: Public access provisions on private land shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded prior to the time of building occupancy or plat recordation, whichever comes first.</p> <p>(d) Maintenance Responsibility: Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or nonprofit agency through a formal recorded agreement.</p> <p>(e) Hours of Access: Public access facilities shall be available to the public twenty four (24) hours per day unless an alternate arrangement is granted through the initial shoreline permitting process for the project. Changes in access hours proposed after initial permit approval shall be processed as a shoreline conditional use.</p> <p>(f) Signage Required: The standard State-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites and at the nearest connection to an off-site public right-of-way.</p> <p><i><u>Staff Comment:</u> The proposal is a public trail that would be maintained by either King County DNR/Parks or the City of Renton Park Department over the life of the improvement. Appropriate signage would be provided that state the hours of access and policies for trail use. The trail corridor is primarily on publicly owned park lands and right-of-way with the exception of the north-south railroad lines where the Tukwila and Renton boundary is located. Public access would be recorded on these railroad owned parcels.</i></p>
	<p>7. Public Access Requirements by Reach: The following table identifies the performance standards for public access within the shoreline, and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.</p>
✓	<p>Black River/Springbrook Reach A: Public physical access from a trail parallel to the water should be provided as private lands redevelop. Expansion of public access in the Black River Riparian Forest should occur only if consistent with ecological functions. A trail system is present on the west side of the stream adjacent to the sewage treatment plant and should be retained and possibly enhanced to connect to the Lake to Sound Trail.</p>

	<p><u>Staff Comment:</u> The proposal provides for the performance standard of enhancing the existing City of Renton trail as a segment of the regional King County Lake to Sound Trail corridor. The proposed trail improvements within the Riparian Forest are consistent with ecological functions.</p>
	<p>8. Building and Development Location – Shoreline Orientation: Shoreline developments shall locate the water-dependent, water-related, and water-enjoyment portions of their developments along the shoreline. Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.</p>
✓	<p>i. Location of Development: Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site.</p> <p><u>Staff Comment:</u> The trail corridor uses an already established trail/gravel road, improved right-of-way, and undercrossing of developed railroad crossings over the Black River. The trail alignment within the Black River Forest Riparian area parallels a developed east-west railroad corridor. No wetlands would be impacted. The wetland buffers that would be impacted are minimal and the impacts would be mitigated, see subsection “2a. Environmental Effects – No Net Loss of Ecological Function” in FOF 18 above.</p>
✓	<p>ii. Stream/Lake Study Required: An assessment of the existing ecological functions provided by topographic, physical, and vegetation characteristics of the site shall accompany development proposals; provided, that an individual single family residence on a parcel less than twenty thousand (20,000) square feet shall not be subject to this requirement. Such assessments shall include the following general information:</p> <p>(a) Impacts of the proposed use/development on ecological functions with clear designation of existing and proposed routes for water flow, wildlife movement, and other features.</p> <p>(b) Infrastructure requirements such as parking, services, lighting and other features, together with the effects of those infrastructure improvements on shoreline ecological functions.</p> <p><u>Staff Comment:</u> The applicant submitted Vegetation and Wildlife Discipline Report (Exhibit 8), Critical Areas Report (Exhibit 6), Stream Discipline Report (Exhibit 7), Drainage Report (Exhibit 5), Endangered Species Act No Effect document (Exhibits 27 and 28), and NEPA Exemption by Washington State Department of Transportation (Exhibit 18) that describe impacts on ecological functions, water flow, wildlife, and other features. The discipline reports provide assessment of the existing ecological functions provided by the topography, physical, and vegetation characteristics of the trail corridor. No parking is allowed within the Shoreline Natural Overlay and no new parking areas are proposed. There are no other infrastructure improvements are proposed that may create shoreline impacts.</p>
✓	<p>iii. Minimization of Site Alteration: Development shall minimize site alteration in sites with substantial unaltered natural features by applying the following criteria:</p> <p>(a) Vehicle and pedestrian circulation systems shall be designed to limit clearing, grading, and alteration of topography and natural features.</p>

	<p>(b) Impervious surfacing for parking lot/space areas shall be limited through the use of under-building parking or permeable surfaces where feasible.</p> <p>(c) Utilities shall share roadway and driveway corridors and rights-of-way wherever feasible.</p> <p>(d) Development shall be located and designed to avoid the need for structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses, particularly water-dependent uses, where no alternative locations are available and no net loss of ecological functions will result.</p> <p><u>Staff Comment:</u> The proposed improvement does not require structural shoreline stabilization and is not anticipated to require such stabilization over its life.</p>
N/A	<p>iv. Location for Accessory Development: Accessory development or use that does not require a shoreline location shall be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments or unless otherwise allowed in a High Intensity designation. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses unless a location closer to the water is reasonably necessary.</p>
✓	<p>v. Navigation and Recreation to Be Preserved: Shoreline uses shall not deprive other uses of reasonable access to navigable waters. Existing water-related recreation shall be preserved.</p> <p><u>Staff Comment:</u> The proposal is not anticipated to deprive other uses of reasonable access to navigable waters nor impact existing water-related recreation along the trail corridor. The applicant provides a description of the applicable navigable waters access rights in the Critical Areas Study that includes requirements of the United States Environmental Protection Agency and Clean Water Act regulations (Exhibit 6, page 1-4 to 1-5).</p>
5. Archaeological, Historical, and Cultural Resources:	
✓	<p>i. Detailed Cultural Assessments May Be Required: The City will work with tribal, State, Federal, and other local governments as appropriate to identify significant local historical, cultural, and archaeological sites in observance of applicable State and Federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.</p> <p><u>Staff Comment:</u> The project proposal and notice of application were provided to reviewing agencies including the State Department of Archaeology & Historic Preservation (DAHP). No agency comments were provided from DAHP or other agencies that would require additional assessments or mitigation measures related to archaeological, historical, and cultural resources. As part of the SEPA DNS-M determination, staff recommended a similar mitigation measure, and a mitigation measure has been placed on the project; that if any Native American grave(s) or archaeological/cultural resources are found that construction activity stop and coordination with the state, city, and concerned Tribal institutions occur prior to project re-start.</p>

✓	<p>ii. Coordination Encouraged: Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.</p> <p><u>Staff Comment:</u> See comment above under FOF 18, 5i. "Archaeological, Historical, and Cultural Resources – Detailed Cultural Assessments May Be Required."</p>
✓	<p>iii. Detailed Cultural Assessments Required: Upon receipt of application for a development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups.</p> <p><u>Staff Comment:</u> See comment above under FOF 18, 5i. "Archaeological, Historical, and Cultural Resources – Detailed Cultural Assessments May Be Required."</p>
✓	<p>iv. Work to Stop Upon Discovery: If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the Administrator of the Department of Community and Economic Development or designee. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The Administrator of the Department of Community and Economic Development or designee shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.</p> <p><u>Staff Comment:</u> See comment above under FOF 18, 5i. "Archaeological, Historical, and Cultural Resources – Detailed Cultural Assessments May Be Required."</p>
✓	<p>v. Access for Educational Purposes Encouraged: Land owners are encouraged to provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.</p> <p><u>Staff Comment:</u> See comment above under FOF 18, 5i. "Archaeological, Historical, and Cultural Resources – Detailed Cultural Assessments May Be Required."</p>
6. Use Regulations:	
a. Recreation Use: Public Hiking and Bicycle Trails, Over Land	
✓	<p>Over land public hiking and bicycle trails shall be provided when the use does not degrade the ecological functions or natural character of the shoreline area. This use is a Hearing Examiner Conditional Use within the Natural Environment Shoreline Overlay provided that the use does not degrade the ecological functions or natural character of the shoreline area.</p> <p><u>Staff Comment:</u> See FOF 19, Conditional Use analysis. Staff's recommendation to Hearing Examiner that the use be allowed as the proposal meets the Conditional Use criteria. The ecological functions and natural character of the shoreline area has been</p>

	<i>evaluated in the Environmental Review Committee Report (SEPA), dated January 11, 2016, and by the applicant's submitted studies which have determined that there will be no net loss of ecological function and values of the Black River shoreline and associated wetlands (Exhibits 1 and 6).</i>
b. Recreation Use: Expansion of Existing Over-Water Trails	
✓	<p>Expansion of Existing Over-Water Trails: This expansion is a Hearing Examiner Conditional Use within the Natural Environment Shoreline Overlay. No new over-water trails shall be allowed unless it is part of the expansion of an existing over-water trail or over-water trail system. Such expansions shall be considered a conditional use if allowed in the Public Access Requirements by Reach Table, per RMC 4-3-090D4f, and if impacts are limited.</p> <p><u>Staff Comment:</u> See FOF 19, Conditional Use analysis. Staff's recommendation to the Hearing Examiner that the use be allowed because the proposal meets the Conditional Use criteria. The proposed trail development is an expansion of an existing informal trail. The portion of proposed trail on City-owned property has been used as a trail since the City acquired the property in the early 1990s. Access to the trail is provided by sidewalks on the Monster Road bridge over the Black River which constitutes an existing over-water trail as part of the existing trail system (Exhibits 32 and 38). Improvements of the Monster Road bridge with the trail width and safety upgrades were considered. The upgrades and unknowns are considered too dangerous by the City of Renton's analysis given the likely negative impacts to the structural integrity of the bridge. The new bridge would provide a safe Black River crossing for the improved multi-use trail that the Monster Road bridge has provided historically.</p>
c. All Recreation Uses: Additional Standards	
✓	<p>a. When Allowed: Recreation activities are allowed when:</p> <ul style="list-style-type: none"> i. There is no net loss of ecological functions, including on- and off-site mitigation. ii. Water-related and water-enjoyment uses do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses. iii. The level of human activity involved in passive or active recreation shall be appropriate to the ecological features and shoreline environment. iv. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW <u>90.58.100(4)</u>. <p><u>Staff Comment:</u> The proposal meets the above criteria. The proposal would not cause net loss of ecological functions, (see analysis in subsection "2a. Environmental Effects – No Net Loss of Ecological Function" in FOF 18 above), displace water-dependent uses, and would provide the appropriate human activity for the shoreline environment where human activity would be limited to the trail use.</p>
✓	<p>b. Location Relative to the Shoreline: Activities provided by recreational facilities must bear a substantial relationship to the shoreline, or provide physical or visual access to the shoreline.</p>

	<p>i. Water-dependent recreation such as fishing, swimming, boating, and wading should be located on the shoreline.</p> <p>ii. Water-related recreation such as picnicking, hiking, and walking should be located near the shoreline.</p> <p>iii. Non-water-related recreation facilities shall be located inland. Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive impervious surfaces shall observe vegetation management standards providing for native vegetation buffer areas along the shoreline.</p>
✓	<p>c. Over-Water Structures: Over-water structures for recreation use shall be allowed only when:</p> <p>i. They allow opportunities for substantial numbers of people to enjoy the shorelines of the State.</p> <p>ii. They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas.</p> <p>iii. They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge.</p> <p>iv. No net loss of ecological functions will result.</p> <p><i>Staff Comment: The trail proposal includes a new bridge for crossing the Black River as the alternative to usage of the Monster Road Bridge that has been used historically for the trail connection across the river. The new bridge would allow opportunities for a substantial number of people to view and enjoy the Black River. The new bridge is not located near exceptional ecological sensitive areas where the location is between the Monster Road Bridge and Regional Sewer Treatment facility.</i></p>
✓	<p>d. Public Recreation: Public recreation uses shall be permitted within the shoreline only when the following criteria are considered:</p> <p>i. The natural character of the shoreline is preserved and the resources and ecology of the shoreline are protected.</p> <p>ii. Accessibility to the water's edge is provided consistent with public safety needs and in consideration of natural features.</p> <p>iii. Recreational development shall be of such variety as to satisfy the diversity of demands of the local community.</p> <p>iv. Water-related and water-enjoyment uses do not displace water-dependent uses and uses are consistent with existing water-related and water-enjoyment uses.</p> <p>v. Recreational development is located and designed to minimize detrimental impact on the adjoining property.</p> <p>vi. The development provides parking and other necessary facilities to handle the</p>

	<p>designed public use.</p> <p>vii. Effects on private property are consistent with all relevant constitutional and other legal limitations on regulation or acquisition of private property.</p> <p>viii. Public parks and other public lands shall be managed in a manner that provides a balance between providing opportunities for recreation and restoration and enhancement of the shoreline. Major park development shall be approved only after a master planning process that provides for a balance of these elements.</p> <p><i>Staff Comment: The above criteria are met through the proposal. The proposal provides a balance between recreation and restoration of the shoreline area and the shoreline and sensitive areas along the trail alignment would be preserved during construction and once completed.</i></p>
<p>d. Transportation: New and expanded transportation facilities shall be designed to achieve no net loss of ecological functions within the shoreline. To the maximum extent feasible the following standards shall be applied to all transportation projects and facilities. Additional standards specific to trails are required.</p>	
✓	<p>Facilities shall be located outside of the shoreline jurisdiction and as far from the land/water interface as possible. Expansion of existing transportation facilities shall include analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.</p> <p><i>Staff Comment: The proposal would improve an existing gravel road and informal trail system. Most of the existing trail to be improved is within shoreline jurisdiction. The proposal would achieve no net loss of ecological functions within the shoreline.</i></p>
✓	<p>Facilities shall be located and designed to avoid significant natural, historical, archaeological, or cultural sites, and mitigate unavoidable impacts.</p> <p><i>Staff Comment: The proposal would improve an existing gravel road and informal trail system. No natural, historical, archeological, or cultural sites have been identified that would require mitigation.</i></p>
✓	<p>Facilities shall be designed and maintained to prevent soil erosion, to permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility.</p> <p><i>Staff Comment: The trail corridor is designed to prevent soil erosion, permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility. Analysis of the use of the trail corridor and construction of the corridor on soil, groundwater, and aquatic plants and animals were provided by the project applicant. The trail surface is considered to be a non-pollution generating surface. The trail improvement is a surface improvement, other than the new bridge support system, and would not impact natural groundwater movement.</i></p>
✓	<p>All debris and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion into any water body and shall be specified in submittal materials.</p> <p><i>Staff Comment: The applicant submitted a construction mitigation plan and geotechnical</i></p>

	report that outline how debris, grading of soils, and erosion control would be handled during construction (Exhibits 9 and 15).
✓	Facilities shall avoid the need for shoreline protection. <i>Staff Comment: The proposal does not require shoreline protection as it is primarily an at grade trail, with the exception of the bridge crossing. The Bridge is designed to fully span the stream (Exhibit 30).</i>
✓	Facilities shall allow passage of flood waters, fish passage, and wildlife movement by using bridges with the longest span feasible or when bridges are not feasible, culverts and other features that provide for these functions. <i>Staff Comment: The proposal does not impact passage of flood waters, fish passage, and wildlife movement and uses an approximate 109-foot pedestrian bridge to span the Black River and is designed to be 6 feet above the base flood elevation.</i>
✓	Facilities shall be designed to accommodate as many compatible uses as feasible, including, but not limited to: utilities, viewpoint, public access, or trails. <i>Staff Comment: The proposed non-motorized multi-use path allows as many compatible uses as feasible including for public viewpoints along the shorelines, alternative transportation travel modes, and active and passive recreational opportunities such as walking and bicycling.</i>
✓	Trails that provide public access on or near the water shall be located, designed, and maintained in a manner that protects the existing environment and shoreline ecological functions. Preservation or improvement of the natural amenities shall be a basic consideration in the design of shoreline trails. <i>Staff Comment: The proposal would improve an existing gravel road and informal trail system. The proposal uses the existing road corridor and informal trail system and would be maintained in a manner that protects the existing environment and shoreline ecological functions. Preservation of the natural areas the trail corridor passes through is part of the proposal through mitigation plantings. Approximately 98,297 square feet along the trail corridor is proposed to be restored and/or improved through removal of invasive species and plantings of native species (Exhibit 31).</i>
✓	The location and design of trails shall create the minimum impact on adjacent property owners including privacy and noise. <i>Staff Comment: There are few property owners adjacent the proposal. The existing surrounding uses are industrial, railroad, and office park related. Limited noise is anticipated from the users of the trail corridor once construction is completed.</i>
✓	Over-water structures may be provided for trails in cases where: (a) Key trail links for local or regional trails must cross streams, wetlands, or other water bodies. (b) For interpretive facilities.

	<p>(c) To protect sensitive riparian and wetland areas from the adverse impacts of at grade trails, including soil compaction, erosion potential and impedance of surface and groundwater movement.</p> <p><u>Staff Comment:</u> The subject 1.2-mile trail segment includes a new bridge that would cross the Black River east of the existing Monster Road Bridge trail crossing and within proximity of the South County Sewage Treatment Plant. The proposal is part of a Federally funded King County regional non-motorized transportation corridor that will connect multiple jurisdictions and provide alternative transportation options and increased recreational opportunities. The proposal is a key missing link of the larger 16-mile regional Lake to Sound Trail corridor.</p>
✓	<p>Trail width and surface materials shall be appropriate for the context with narrow soft surface trails in areas of high ecological sensitivity where the physical impacts of the trail and the number of users should be minimized with wider hard-surfaced trails with higher use located in less ecologically sensitive areas.</p> <p><u>Staff Comment:</u> The proposed trail corridor route uses an existing road corridor for much of the 1.2-mile segment. A 16-foot wide trail footprint is proposed, with a 12-foot asphalted surface in the center and 2-foot gravel edges. Because the corridor is primarily developed with an existing 10 to 12-foot wide gravel road, developed right-of-way, and undercrossing of multiple railroad lines, there are limited physical impacts anticipated by the proposed improvements. The trail is appropriate for the context and intended purpose, the design is in compliance with the Federal and State transportation department design criteria for multi-use paths.</p>
e. Accessory Uses: Parking Areas	
N/A	<p>Parking areas are not permitted in the Natural Overlay.</p> <p><u>Staff Comment:</u> No new vehicle parking areas are proposed. Existing parking areas near the trail corridor are provided on either end of the 1.2-mile segment at Naches Ave SW in Renton and at Fort Dent in Tukwila.</p>

19. **Consistency with Renton Shoreline Conditional Use Criteria:** Upon proper application, and findings of compliance with conditional use permit criteria, a conditional use permit may be granted per RMC 4-9-190.I.5. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Shoreline Master Program. With provisions to control undesirable effects, the scope of uses can be expanded to include many uses. Uses classified as conditional uses can be permitted only after consideration and by meeting such performance standards that make the use compatible with other permitted uses within that area. The proposal is compliant with the following development standards if all conditions of approval are met:

Compliance	Development Standards and Analysis
✓	<p>i. The use must be compatible with other permitted uses within that area.</p> <p><u>Staff Comment:</u> The Shoreline Natural Environment Overlay allows a number of outright permitted uses including aquaculture, and preservation and enhancement of natural features and ecological processes, and fish and wildlife resource enhancement as listed in RMC 4-3-090E.1 "Shoreline Use Table." Conditional uses allowed through a</p>

	<p>conditional use approval are parks (neighborhood and regional), passive recreation, over land public hiking and bicycle trails, expansion of existing over-water trails, and structures for floodway management. The proposed improvement is a non-motorized multi-use trail corridor that is consistent with the range of uses anticipated for the Natural Overlay area. The trail improvement is also consistent with the Comprehensive Plan for increasing public access along the shoreline (Exhibit PJ, pages 2-21 through 2-23).</p>
✓	<p>ii. The use will not interfere with the public use of public shorelines.</p> <p><u>Staff Comment:</u> Normal use of the project site includes flood control through the King County Flood District's Renton Wastewater facility on the Black River, railroad rights-of-way, the existing public trail corridor, public environmental interpretive uses throughout the Black River Forest Riparian area, and preservation of shoreline ecological processes and functions (Exhibit PJ, page 2-23). The trail improvement proposal would not interfere with the public use of public shorelines. The trail is consistent with the range of public uses anticipated for the Shoreline Natural Environment Overlay including parks and trails. The proposal is consistent with the Shoreline policies within the Renton Comprehensive Plan for increasing public access to the shoreline. The proposal is not expected to have a substantial impact on natural shoreline functions, would not adversely affect the flood control use, and would enhance public interpretive use of the shoreline area.</p>
✓	<p>iii. Designs of the site will be compatible with the surroundings and the Shoreline Master Program.</p> <p><u>Staff Comment:</u> The proposed at grade trail would primarily use an existing road within the Black River Riparian Forest that parallels a developed east-west railroad corridor, the existing developed Monster Road SW right-of-way, existing railroad river crossings near the Black River, and existing developed park area at Fort Dent as the corridor route. Multiple trail corridor alternatives were considered and the proposed alignment and associated mitigation would result no net loss of shoreline ecological functions and values. The corridor is already used as an informal trail connection and the proposed improvement to the corridor with the bridge is compatible with the surroundings of the site and the Renton Shoreline Master Program.</p>
✓	<p>iv. The use shall be in harmony with the general purpose and intent of the Shoreline Master Program.</p> <p><u>Staff Comment:</u> The proposal is consistent with and in harmony with the general purpose and intent of the Shoreline policies within the Renton Comprehensive Plan, see FOF 17, for increasing public access to the shoreline through trails.</p>
✓	<p>v. The use meets the conditional use criteria in WAC 173-27-160.</p> <p><u>Staff Comment:</u> See FOF 22 below for analysis of criteria in WAC 173-27-160.</p>

20. **Consistency with WAC Shoreline Conditional Use Criteria:** Per WAC 173-27-160, the purpose of a conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates specific standards listed in WAC 173-27-160.1. Additionally, consideration shall

be given to the cumulative impact of additional requests for like actions in the area per WAC 173-27-160.2. The proposal is compliant with the following development standards if all conditions of approval are met:

Compliance	Criteria and Analysis
✓	<p>a. That the proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.</p> <p><i>Staff Comment:</i> The proposal is consistent with the policies of the RCW 90.58.020. The RCW states that “In the implementation of this policy the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.” The policy goes on to state that, “Alternations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the state...and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.” The proposal is also consistent with the Renton Shoreline policies as identified in FOF 16.</p>
✓	<p>b. That the proposed use will not interfere with the normal public use of public shorelines.</p> <p><i>Staff Comment:</i> The proposed use would not interfere with the normal public use of public shorelines. See staff comments in FOF 21, Development Standards and Analysis number “ii” for further analysis.</p>
✓	<p>c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program.</p> <p><i>Staff Comment:</i> The proposed use is compatible with other authorized uses within the area and with uses planned for the area. See staff comments in FOF 21, Development Standards and Analysis number “i” for further analysis.</p>
✓	<p>d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.</p> <p><i>Staff Comment:</i> See FOF 18, subsection 2a. “No Net Loss of Ecological Function” for analysis that identifies that the proposal would not cause significant adverse effects to the shoreline environment.</p>
✓	<p>e. That the public interest suffers no substantial detrimental effect.</p> <p><i>Staff Comment:</i> The public interest is the sum-total of all the purposes of the State Shoreline Management Act and the Renton Shoreline Master Program. The proposal would not cause a substantial detrimental effect to public interest. As previously discussed in FOF 19, the proposed trail development is consistent with the purpose of providing public access to the shoreline area and would not have a substantial impact on natural shoreline functions, critical areas, public use of the shoreline, and current flood control. The proposal would enhance public interpretive use.</p>
✓	<p>f. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where</p>

	<p>similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects of the shoreline environment.</p> <p><i>Staff Comment: Any additional requests for similar trails in the area would be required to meet the same stringent criteria as the proposed trail improvement. Following an alternatives analysis for a trail corridor, the applicant found there are no other existing road corridors in the vicinity that a regional trail system could be developed within. The King County and City of Renton trail plans do not designate other regional trail corridors in the area. Because there are no other similar trail corridors proposed and no available routes for such a similar route, there are not likely to be cumulative impacts for a "like action."</i></p>
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21. **Consistency with Renton Shoreline Variance Criteria:** RMC Section 4-9-190I.4.b lists 8 criteria that the Hearing Examiner is asked to consider when making a recommendation on a Shoreline Variance application. The applicant requests a Variance from the development standards for trails within wetlands and wetland buffers. Specifically, the request is to allow a greater width for a trail, an impervious asphalt surface, and for the trail to be allowed within the inner 50 percent of a wetland buffer. Per RMC 4-3-050D.2.d.ix.f, Recreational Activities which do not significantly affect the function of the wetland or regulated buffer may be permitted within Category II, III, or IV wetlands or their buffers and within a Category I wetland buffer if the following criteria are met: (1) Trails shall not exceed 4 feet in width and shall be surfaced with gravel or pervious material, including boardwalks; (2) The trail or facility is located in the outer 50 percent of the buffer area unless a location closer to the wetland edge or within the wetland is required for interpretive purposes; (3) The trail or facility is constructed and maintained in a manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill; (4) Wetland mitigation in accordance with subsection D2dx of this Section. The applicant is requesting a Variance from criteria numbers 1 and 2 of RMC 4-3-050D.2.d.ix.f so that the proposed trail improvement can be greater than 4 feet in width, surfaced with asphalt, and within the inner 50 percent of wetland buffers within the Category II, III, and IV wetlands associated with the project.

A Substantial Development Permit (RMC 4-9-120I.4) may be granted which is at variance with the criteria established in the Shoreline Master Program where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the Shoreline Master Program would cause undue and unnecessary hardship or practical difficulties. The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Shoreline Master Program is not, by itself, sufficient reason for a variance. The Hearing Examiner must find each of the following:

Compliance	Criteria and Analysis
✓	<p>i. Exceptional or extraordinary circumstances or conditions applying to the subject property, or to the intended use thereof, that do not apply generally to other properties on shorelines in the same vicinity.</p> <p><i>Staff Comment: The applicant submitted an analysis of the Variance criteria for the wider impervious surface trail proposal and contends that there are unique and exceptional conditions that apply to the site and that do not apply to other properties that are not a result of the applicant's actions (Exhibit 4, pages 2-24 to 2-27). These existing conditions are unique to this area and are not generally present in other portions of the city and will not set a precedent for other trail corridors:</i></p> <ul style="list-style-type: none"> <i>The proposed location of the trail is on a corridor that either has been used</i>

	<p><i>informally as a public trail (the area west of Monster Road) and on a gravel road that was constructed prior to the acquisition of the property by the City of Renton and has been used by the public as a trail since that acquisition.</i></p> <ul style="list-style-type: none"> <i>• The trail corridor is crossed by the mainline of the Burlington Northern Santa Fe and Union Pacific railroads west of Monster Road which substantially impacts natural functions on this portion of the corridor and renders additional impacts minor.</i> <i>• Potential impacts of the proposed trail east of Monster Road will not have a substantial impact on natural shoreline functions because of the location of the BNSF to the north of the site and the adjacent quarry use, which establishes current proximity impacts to natural resources such as critical habitat on the site.</i> <i>• The trail is located as far from the Black River, existing wetlands, and the Great Blue Heron nesting colony on the site as is practical, given the adjacent east-west railroad corridor and other nearby uses.</i> <p><i>Staff concurs with the applicant's analysis and that there are exceptional circumstances or conditions applying to the subject trail corridor that do not apply generally to other properties on shorelines in the same vicinity. Furthermore, the intended purpose of the project is to construct a missing link in a regional multipurpose trail corridor. In order for the project to comply with Federal and State multipurpose trail standards the strict application of the shoreline regulation trail design standards identified in wetland buffers would not allow the trail to meet Federal and State design standards. The requirement to meet these design standards would not apply to other properties in the vicinity or other trail connections within the same property.</i></p>
✓	<p><i>ii. The variance permit is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity.</i></p> <p><i><u>Staff Comment:</u> The applicant submitted an analysis of the Variance criteria for the wider impervious surface trail proposal and contends that imposition of a 4-foot wide, gravel or pervious surface, located in the outer 50 percent of a wetland buffer area would deprive the public of enjoyment of the benefits of the Lake to Sound regional trail corridor and interferes with reasonable use of the property (Exhibit 4, pages 2-24 to 2-27). The width, material, and location standards do not recognize the unique features of the site that make it especially suitable for a regional trail. The width, material, and location standards also do not recognize the existing conditions, with the existing informal pathway trail west of Monster Road and the existing gravel road to the east of Monster Road that are now used as a nonmotorized trail. The gravel road east of Monster Road that is the large percentage of the 1.2 mile trail improvement was constructed prior to the acquisition of the property by the City of Renton. Since the City of Renton purchased the property in the 1990s, the gravel road has been used as a trail. The location of the existing gravel road is closer to wetlands than the outer 50 percent of the buffers and is in excess of the 4-foot limit.</i></p> <p><i>Additionally, the applicant contests that the limit on type of trail surface is not necessary for the protection of wetland functions based on the impact analysis provided by the application. Limited runoff that is non-pollution generating would</i></p>

	<p>occur from the proposed impervious trail surface with large setbacks generally provided to receiving surface waters.</p> <p>Staff concurs with the above analysis submitted by the applicant. A small impervious footprint is proposed in comparison to the large undeveloped Black River Riparian Forest area. The proposed trail improvement is on an existing trail corridor and would cross the Black River with use of a new pedestrian bridge. The proposed regional trail would be built for the public as such this use is unique to public property owners. The request for a multipurpose trail that meets the Federal and State design standards is the minimum request to allow the City the same rights for a multipurpose trail as other public property owners in the same vicinity. The Shoreline public access requirements by reach, for the Black River/Springbrook Reach mentions this Lake to Sound trail proposal specifically as an opportunity to create greater public access (RMC 4-3-090D.4.f). The proposal implements the Shoreline Comprehensive Plan policies. Other Shoreline Overlay designations allow this type of use as outright permitted through an administrative decision. Because the Natural Overlay is considered an area with more sensitive shoreline ecological functions, a Hearing Examiner CUP process is required to determine there would be no substantial ecological impacts and that a no net loss of ecological functions and values would occur.</p>
✓	<p>iii. The variance permit will not be materially detrimental to the public welfare or injurious to property on the shorelines in the same vicinity.</p> <p><u>Staff Comment:</u> The applicants analysis finds that the design of the project is in harmony with the purpose and intent of the Shoreline Management Act and the Renton Shoreline Master Program, compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment. The applicant's analysis is based on the Conditional Use Criteria met by the proposal (Allowed Use, Consistency with Purpose and Regulations, Compatibility with Permitted Uses, Public Use of Public Shorelines, Cumulative Impacts, and Public Interest) as outlined in FOFs 19 and 20.</p> <p>Staff concurs with the applicant's analysis. The Variance would not be materially detrimental to the public welfare or injurious to property on the shorelines in the same vicinity and that the design of the project is in harmony with the State and Renton shoreline policies. The Variance would allow for greater public access along the Black River and Green River shoreline area along an already heavily developed corridor.</p>
✓	<p>iv. The variance granted will be in harmony with the general purpose and intent of the Shoreline Master Program.</p> <p><u>Staff Comment:</u> The variance would be in harmony with the general purpose and intent of the Shoreline Master Program. See FOF 21, Consistency with Renton Shoreline Variance Criteria, subsection "iii" above and FOF 17 Comprehensive Plan Compliance for analysis.</p>
✓	<p>v. The public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance shall be denied, but each property owner shall be entitled to the reasonable use and development of his lands as long as such use and development is in harmony with the general purpose and intent of the Shoreline Management Act of 1971, and</p>

	<p>the provisions of the Shoreline Master Program.</p> <p>Staff Comment: <i>The applicant's justification for the Variance states that granting the variance recognizes that:</i></p> <ul style="list-style-type: none"> <i>The trail width and location standards are not reasonably applicable to this specific case because the wetland functions they are designed to accommodate do not presently exist due to the presence of the existing gravel road, which is wider than the four (4) foot trail limit and is closer to the wetland than the outer 50% of the buffer.</i> <i>The addition of impervious surface to the trail would not add impacts those already existing due to the gravel road.</i> <i>The purpose of the Shoreline Management Act in enhancing public access and Renton Shoreline Policy SH-28 of providing emphasis on foot and bicycle paths consistent with the Renton Bicycle and Trails Master Plan would not be fulfilled.</i> <p><i>Staff concurs with the applicant's justification and that granting the variance would not add significant if any impacts greater than those already existing because of the established gravel maintenance road corridor through the Black River Forest Riparian area. Support of the Variance allows for implementation of the Public Access Requirements of the Natural Overlay for the Black River/Springbrook Reach A and implementation of King County and City of Renton trail corridor and recreation plans, which would preserve the public interest.</i></p>
✓	<p>vi. The proposal meets the variance criteria in WAC <u>173-27-170</u>.</p> <p>Staff Comment: <i>See FOF 20 below.</i></p>
N/A	<p>vii. Proposals that vary the size of the vegetation conservation buffer must provide for off-site mitigation in accordance with RMC <u>4-3-090F1k</u>.</p>

22. **Consistency with WAC Shoreline Variance Criteria:** WAC 173-27-170. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. The Hearing Examiner must find each of the following:

Compliance	Criteria and Analysis
✓	<p>(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW <u>90.58.020</u>. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.</p> <p>Staff Comment: <i>The applicant provides justification for similar criteria as outlined in WAC 173-27-170 in FOF 21. The applicant provides further justification for the Variance, stating that the standards for construction of the trail corridor are the standards for Regional Trails adopted by both the City of Renton and King County as well as the American Association of State Highway and Transportation Officials (AASHTO) and Washington State Department of Transportation.</i></p> <p><i>In summary, the applicant states that the Variance request recognizes that:</i></p> <ul style="list-style-type: none"> <i>The trail width and located standards are not reasonably applicable to this</i>

	<p><i>specific case because the wetland functions they are designed to accommodate do not presently exist because of the long-standing presence of the existing gravel road which is wider than the 4-foot trail limit and is closer in proximity to the wetland than the outer 50% of the wetland buffer.</i></p> <ul style="list-style-type: none"> • <i>The addition of impervious surface to the trail would not add impacts to those already existing due to the gravel road.</i> • <i>The purpose of the Shoreline Management Act in enhancing public access and Renton Shoreline policies of providing emphasis on foot and bicycle paths consistent with the Renton Bicycle and Trails Master Plan would not be fulfilled.</i> <p><i>Staff concurs with the applicant's justification that there are extraordinary circumstances with the site that allow for the Variance approval, that the Variance implements shoreline policies including enhancing public access and developing a trail corridor through the Black River Shoreline Natural Overlay area. Further, the Variance would allow the AASHTO standards for nonmotorized trail corridors to be met. If the AASHTO standards cannot be met and strict application of the code was required, the proposed regional trail project would most likely lose the federal funding as it would not comply with the federal design standards. Without the federal funding, the implementation of the Shoreline Policies and the City's Bicycle and Trails Master Plan, as noted above under FOF 21 subsection "v," would not be fulfilled. Overall the variance from the wetland trail standards for this segment of the trail would further the public interest.</i></p>
✓	<p>(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW <u>90.58.030</u> (2)(b), and/or landward of any wetland as defined in RCW <u>90.58.030</u> (2)(h), may be authorized provided the applicant can demonstrate all of the following:</p> <p>(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;</p> <p>(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;</p> <p>(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;</p> <p>(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;</p> <p>(e) That the variance requested is the minimum necessary to afford relief; and</p> <p>(f) That the public interest will suffer no substantial detrimental effect.</p>

	<i>Staff Comment: See comments above in FOF 22 "Consistency with WAC Shoreline Variance Criteria" subsection "1" and FOF 21.</i>
✓	<p>(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:</p> <p>(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;</p> <p>(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and</p> <p>(c) That the public rights of navigation and use of the shorelines will not be adversely affected.</p> <p><i>Staff Comment: See comments above in FOF 22 subsection "1" and FOF 21. No navigation rights would be affected, see in FOF 18 subsection "8.v" Building and Development Location – Navigation and Recreation to be Preserved.</i></p>
✓	<p>(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.</p> <p><i>Staff Comment: The area where the majority of the trail corridor is proposed is owned by the City of Renton and there are no other routes for a regional trail to be located within the shoreline area. See analysis of alternative regional trail routes in FOF 18, subsection "2a" No Net Loss - Evaluation of Mitigation Sequencing Required.</i></p>
N/A	(5) Variances from the use regulations of the master program are prohibited.

J. CONCLUSIONS:

1. The subject site is located in the Employment Area (EA) Comprehensive Plan designation and the Shoreline Master Program 'Natural' Overlay designation and complies with the goals and policies established within these designations, see FOF 16.
2. The subject site is located in the Shoreline Master Program 'Natural' Overlay designation and complies with the development standards established with this designation and with the requirements for a Substantial Development Permit, provided the applicant complies with City Code and conditions of approval, see FOF 17.
3. The subject site is located in the Shoreline Master Program overlay designated area requiring No Net Loss compliance of ecological functions and processes and complies with the No Net Loss standards provided the applicant complies with City Code and conditions of approval, see FOF 17.

4. The proposed trail corridor is located in the Shoreline Master Program overlay designated area and complies with the use and trail and transportation development standards provided the applicant complies with City Code and conditions of approval, see FOF 17.
5. The proposed trail corridor is located in the Shoreline Master Program overlay designated area and complies with the Conditional Use criteria provided the applicant complies with City Code and conditions of approval, see FOF 18 and FOF 19.
6. The proposed trail corridor is located in the Shoreline Master Program overlay designated area and exceeds the development standards for trail improvements and complies with the Variance criteria provided the applicant complies with City Code and conditions of approval see FOF 20 and FOF 21.

K. RECOMMENDATION:

Staff recommends approval of the Lake to Sound Regional Trail – Segment A, File No. LUA15-000257, ECF, SSDP, S-CUP, S-V, as depicted in Exhibit 37, subject to the following conditions:

1. The applicant shall comply with the mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated January 14, 2016.